IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

CYNTHIA ADVANI MARSHALL,
                            Plaintiff,

v.   Case 3:20-cv-00442-DJN

JOHN MARSHALL, et al.,
                            Defendants.

DEFENDANT ROBERT W. MARSHALL'S MOTION TO DISMISS

Comes now the defendant Robert W. Marshall by counsel, and moves this honorable Court to dismiss plaintiff's complaint ("Complaint") against him pursuant to Rule 12(b) of the Federal Rules of Civil Procedure[1] for the following reasons:

1. The Court should dismiss the complaint pursuant to Rule 12(b)(1) because the Complaint primarily concerns final orders properly entered in state court using constitutionally valid procedures and this Court lacks subject matter jurisdiction over the dispute.

2. The Court should dismiss the claim against Robert W. Marshall pursuant to Rule 12(b)(6) on the basis of issue preclusion.

3. The Court should dismiss the claim against Robert W. Marshall pursuant to Rule 12(b)(6) because Mr. Marshall has absolute immunity for testifying and providing evidence.

4. The Court should dismiss the case against Robert W. Marshall pursuant to Rule 12(b)(6) because the plaintiff has failed to a state a cause of action under 42 United States Code §1983 for violation of any protected right and plaintiff has failed to allege a conspiracy.

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[1] Reference to "Rule" means the specific federal rule of the Federal Rules of Civil Procedure Civil Procedure cited. Reference to "Rules" means the Federal Rules of Civil Procedure

5. The Court should dismiss the claims based on state law pursuant to Rule 12(b)(6)

asserted by the plaintiff.

Wherefore, the defendant Robert W. Marshall moves this honorable Court to dismiss the

complaint filed against him for the reasons set forth above and in the brief filed in support of this

motion to dismiss, and to enter an award of attorney's fees and costs in his favor.

ROBERT MARSHALL,

by___/s/_____

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CERTIFICATE OF SERVICE

I hereby certify that on August 24, 2020, I electronically filed the foregoing pleading with
the Clerk of Court using the CM/ECF system, which will then send a notification of such filing
(NEF) to the following:

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